

Exhibit 2



Deposition of:
Christopher J. Rossaert

October 13, 2021

In the Matter of:
**Anywhere Commerce Inc., Et Al. v.
Ingenico Inc., Et Al.**

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VOLUME: I

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
Civil Docket No: 1:19-cv-11457-IT

ANYWHERECOMMERCE, INC. and BBPOS)
LIMITED)
Plaintiffs)
vs.)
INGENICO INC., INGENICO CORP., and)
INGENICO GROUP SA)
Defendants)

REMOTE VIDEOTAPED DEPOSITION OF
CHRISTOPHER J. ROTSAERT, called as a witness by and
on behalf of the Plaintiffs, pursuant to the
applicable provisions of the Federal Rules of Civil
Procedure, before P. Jodi Ohnemus (remotely), RPR,
RMR, CRR, CA-CSR #13192, NH-LSR #91, MA-CSR
#123193, and Notary Public, within and for the
Commonwealth of Massachusetts, at Boston,
Massachusetts, on Wednesday, October 13, 2021,
commencing at 10:03 a.m.

1
2 APPEARANCES:

3
4 (Via Videotape)

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23 ALSO PRESENT:

24 (Via Videoconference)

25 Bob Giannini, Video Operator

I N D E X

TESTIMONY OF:	PAGE
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CHRISTOPHER J. ROTSAERT	
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(By Mr. Kessler)	
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Attorneys' eyes only - page 177-214	
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1 A. So there was the product definition. So I
2 had some product manager that was specifying the
3 product interfacing with the R&D teams to develop
4 the products; and I was preparing the -- what we
5 call the delivery to --

6 (Court Reporter comment.)

7 A. -- delivery is to provide the IO for the
8 sales and the marketing team to prepare all the --

9 (Court Reporter comment.)

10 A. -- the material that marketing team and
11 sales team would need to be able to promote and to
12 sell the -- the product.

13 Q. I see here it says that you are -- the
14 "Highlights: Delivered complete mPOS hardware and
15 SDK strategy & products portfolio involving 4 R&D
16 teams (US, France, China, HK)" -- Hong Kong.

17 What were those four research and
18 development teams that you were working with?

19 A. So as I said, so I had the responsibility
20 for products within Roam Data. So for Roam Data
21 the mobile and the back end was developed in
22 Boston. On the card reader, some products -- I
23 mean, mostly one product was developed by BBPOS.

24 Q. And -- I'm sorry. One more time.

25 And what was developed by BBPOS?

1 A. Some card readers. So G3, G4X, G5X.

2 Q. Okay.

3 A. And there was product developed by Landi,
4 so the one with the R&D in China.

5 Q. And what -- what did Landi develop?

6 A. So Landi developed the product you see
7 below, which are below, which are RP350x, RP --

8 (Court Reporter comment.)

9 A. So the R, like Robert, P350.

10 Q. The RP350x, you say?

11 A. Yes, and RP750x.

12 Q. And the RP750x?

13 A. Yes. And with my responsibility for
14 Ingenico, we had also some products like ICMP
15 developed by Valence. So that's why you can say
16 it's four. So Hong Kong, BBPOS, Valence, Ingenico,
17 B -- Boston, Roam Data, and Landi.

18 Q. Understood.

19 Let's take -- let's take them one by one.
20 When you say the back end, what was the back end
21 solution that Roam Data was providing in this 2012
22 to 2015 time frame?

23 A. So Roam Data had and still have -- I mean,
24 I think -- I think had a payment gateway.

25 (Court Reporter comment.)

1 A. Back in 2012, we were working on different
2 scenario. There was this scenario, the joint
3 development, Valence with BBPOS, and there was a
4 second scenario which was BBPOS with only BBPOS,
5 not involving Valence. So we have these two
6 products working in parallel, both as pro -- so
7 that's the reason why we wanted to do the two
8 prestudy because at this point we were in prestudy
9 stage.

10 Q. You were in what stage? I'm sorry, sir.

11 A. Prestudy.

12 Q. Prestudy?

13 A. Yeah. So before formally launching the
14 product.

15 Q. Okay. Was there -- was there a -- which
16 of the -- was there a difference between the M-Core
17 and the Telium? Was that the issue?

18 A. I would say differently: The BBPOS was
19 using the -- what they call M-Core. BBPOS was
20 lacking what we call an EMV Kernel, which is the
21 software to be able to process a chip counter,
22 which is essential for our product.

23 On the other side, the Telium product,
24 Telium platform, was, I would say, a quite
25 peripheral platform which was not supporting the

1 audio jack connectivity. So that was a question,
2 how can we have the audio jack connectivity
3 supported on Telium, and would the Telium platform
4 be a good choice for the development?

5 Q. I'll read the third line of that
6 paragraph, "Objective is to go fast with BBPOS on
7 the nonPCI PTS and also on Valence side with PCI
8 PTS version."

9 Could you tell me what that meant.

10 A. Yup. So in the payment space you have the
11 capability of recounts, magstripe, EMV,
12 contactless, but there is one other dimension for a
13 product, which is the level of security; and PCI
14 PTS is a standout from the industry but define a
15 certain level of capability from security
16 standpoint.

17 Q. When you next wrote "I want to avoid
18 redeveloping bricks that we already own," what did
19 you mean by that?

20 A. I don't recall the -- the meaning I had
21 there. Sorry.

22 Q. Were you concerned about Ingenico having
23 to redevelop bricks that Roam already owned?

24 A. I think the objective we had was to
25 combine the BBPOS and Valence to be efficient.

1 A. I don't recall. Probably before 2010,
2 2009.

3 Q. Okay. Is the battery size of the Ingenico
4 devices, is that the same as the battery size of
5 the BBPOS devices?

6 A. So if you remember the Ingenico -- the
7 mPOS was very new market. Before the mPOS,
8 Ingenico had, let's say, bulky devices. So the
9 size was the -- the size of the battery has nothing
10 to compare. The battery being used in the Ingenico
11 product was maybe five times, ten times what BBPOS
12 was thinking to use.

13 Q. How about the chipsets? Were the -- were
14 the chipsets the same between the two devices?

15 A. So there is two parts -- I mean, two
16 chipset are mentioned. There is an M-Core and -- I
17 don't remember what is the brand, what is exact
18 reference. And that's all there is. And there's
19 the transceiver, which is your -- transceiver -- so
20 receives what is providing the radio capability.

21 So BBPOS -- in this email he is mentioning
22 that they have been looking at PN533, PN511, 512
23 from NXP. And NXP is -- back in 2012 -- I think
24 the leader of the market. So probably most of any
25 payment terminal was using NXP.

1 IngenicoInc_284343-344, French.)
2 (Exhibit 30, English translation
3 of Exhibit 29, IngenicoInc_284343-344.)

4 MR. TECHENTIN: So I'm going to have the
5 same objection, obviously, to --

6 MR. KESSLER: Understood. You're
7 objecting to the English translation as not
8 authenticated or --

9 MR. TECHENTIN: As authenticated, really.
10 I'm not -- I'm not doing this to make you read the
11 French. I'm simply not stipulating to the
12 translation.

13 MR. KESSLER: Right. I -- I understand.
14 I'd do the same in your shoes.

15 Q. So let's look at Exhibit 29, which has --
16 which has -- does have a sticker in front of it and
17 Exhibit 30 also has a sticker.

18 A. (Witness reviews document.)

19 Q. You know, at the very top of the -- of the
20 first page you're asking Jianzhong Li and Piere
21 Pignal -- you write in French, which I will attempt
22 to read again. "Okay. Dans ce cas, peux tu
23 demander a landi de faire l'analyse. Points
24 faibles et cost analysis. Que l'on ait de la
25 matiere pour les demollir face aux clients, surtout

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1 Q. What is this document?

2 A. As it's stating, it's a product
3 requirement document. So that is the list of all
4 the requirements provided to the R&D to develop the
5 product.

6 Q. On the first -- on page -- what's marked
7 as page 2, the first page in, I see a list of
8 creation dates and author.

9 Are you the author of this document?

10 A. As it -- as it's written in the page 2, I
11 am the author of the document.

12 Q. To some degree my questions on this are
13 redundant, but I do want to pin it down.

14 It's -- on page 13 --

15 A. Is there -- is the page number from the
16 original document?

17 Q. Yeah. I'm going -- I'm just relapsing to
18 the pages of the document itself. So I believe
19 it's IngenicoInc_0164646.

20 A. Okay.

21 Q. At the top of the page it says "Product
22 Requirements Document RP750X version 6.0." We are
23 in section 3.7, "Value proposition." This is the
24 second page of that section. It says "Allow access
25 to complete Roam/Ingenico product portfolio thanks

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1 to common APIs, unrivaled device, unique, ultra
2 compact design with Roam DNA style."

3 What is "Roam DNA style"?

4 A. So the industrial design, so the half moon
5 industrial design.

6 Q. The industry designer, is that the -- is
7 that the -- what does "DNA" speak to?

8 A. You know the -- how you identify Roam
9 Data, this is your product. Maybe DNA is not the
10 best wording, but if you look at the art piece of
11 what you see, because of the half moon shape, you
12 recognize immediately that it's a product from Roam
13 Data.

14 Q. Actually, the bottom of that page also I
15 see a -- where there's -- section 3.8 is SWOT.

16 What does that stand for?

17 A. Strengths, weakness, opportunities,
18 threats.

19 Q. There it is; right? I'm curious about the
20 "Threats" box. What were the threats that you
21 perceived in connection with this?

22 A. I don't remember. I mean, this document
23 has been updated over time. This part was probably
24 figure in the very early version. I think it was
25 about all the ecosystem of the IP with the square,

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1 with the -- there was a little bit of noise in the
2 market about the IP relative to the audio jack
3 technology.

4 Q. And could you tell me more about what the
5 risk was in connection with that IP for the audio
6 jack technology -- or connectivity, as it says?

7 A. I cannot really be specific here, except
8 that at this time, as a general rule, noise in the
9 markets, with the Squire being FX, if I remember,
10 by Molly [verbatim] or another company. So there
11 was always a risk to get IP activity, I would say.

12 Q. Did you have concerns about your own --
13 your own standing on IP issues regarding the 750X?

14 A. Not specifically for the 750, no.

15 Q. I want to go now to page 21. Page 20 at
16 the very bottom, it's 3.14 "Product and related
17 environment roadmap." And then the next page is --
18 is that section. It's the roadmap.

19 A. Yeah.

20 Q. It's just a -- but it's -- there's not
21 much text. It's just this illustration, and I've
22 been -- I've been puzzling over it for a while now,
23 trying to understand the interaction between the
24 Ingenico France research and development on the
25 top, the BBPOS on the bottom, and then what appears

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1 to be their child in the middle, the Ingenico Landi
2 research and development.

3 How do you interpret that -- that graphic?

4 A. So one of the challenge for our
5 salespeople was how to explain the positioning of
6 the Ingenico products and the product from Roam
7 Data. Roam Data did not have an iWL product. So
8 there was no real equivalent. But when we are
9 going in the -- I would say mPOS product or
10 portable printerless device, you can see that the
11 Ingenico ICMP was a little bit aligned with the
12 RP750 because both products were doing magstripe,
13 EMV, contactless, pin entry. So that was kind of a
14 little bit of overlap.

15 And because of the legacy working with
16 BBPOS, so we have this G3X becoming G4X. And I
17 guess at the time I created this document, we were
18 still considering the EMV longer from BBPOS; and on
19 the Landi side, we were -- we did launch the
20 product RP350X, RP750X. We did not yet decide the
21 opportunity on the RP150X. This -- this picture is
22 basically the positioning of the three product
23 lines.

24 Q. I see.

25 And why -- why did you decide not to go

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1 with the BBPOS EMV dongle?

2 A. In fact, after looking at what the
3 competition was doing, we did not consider there
4 was enough space to position two product with a
5 very close positioning. The gap between the two
6 product was too small to justify to have two
7 products in the POS field.

8 Q. Okay. You've already spoken to this some,
9 but let me address it here. It's on page 35 of the
10 document. It's section 4.23.

11 A. Yes.

12 Q. And I see section 4.23.7 -- it says
13 "Global Software Requirements."

14 Requirement Description: "API should be
15 consistent with RP350X API to allow scalable
16 development."

17 Priority is an "M," which I take it means
18 must.

19 A. Yeah.

20 Q. And so did -- the 750X, then, indeed have
21 API consistent with the 3 -- RP350X API?

22 A. Yup. So the RP750X wire is using the same
23 RAM application, specification we discussed
24 earlier. So obviously because 750 can be pin --
25 does have a display, the RP750 is doing RP350X plus

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1 more features.

2 Q. Got it. Let me jump -- let me jump to
3 what's been marked as Exhibit 34.

4 (Exhibit 34, email, 6/5/2013,
5 IngenicoInc_0190279-281.)

6 A. Yes.

7 Q. This looks to be dated around May -- I
8 believe May 16, 2013. It's from you to people at
9 Landi. Here's what I really want to ask you about
10 on this one: It's -- at the very bottom of the
11 page, it says "Open points from Landi to ensure M35
12 equals RP750X (RP750X equals M35)."

13 I'm trying to understand. Was that an
14 effort to -- to ensure that there would be a --
15 essentially an equivalency between the M35 and the
16 RP750X?

17 A. No. In fact, the way it works is, when we
18 started the RP750X discussion, we started from the
19 Landi M0 something. And during the prestudy on the
20 RP750, we made the conclusion that the product
21 definition from hardware mechanic, the form factor,
22 could be also a good product for Landi for the
23 Chinese market.

24 So what was decided is that, in fact, we
25 developed two products together: M35, RP750. Its

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1 function in whatever is the reader.

2 Q. Got it.

3 So you use it in the 350X and the 750X?

4 A. No. It's not -- it's not specific to the
5 RP.

6 Q. I see.

7 A. Developed in Boston. We were getting a
8 BBPOS SDK, a Landi SDK, and the Boston team created
9 a new card reader allowing customer to use the
10 Roam --

11 (Court Reporter comment.)

12 A. -- the Roam Data appropriate RE API which
13 will neither be BBPOS neither Landi. They were
14 Boston API.

15 Q. I understand. On the next page it says
16 something about how that API was created. It says
17 "The good news is that we convinced PayPal head of
18 software to start using Roam API instead of BBPOS
19 API. Our API (called Roam unified API-RUA, one
20 software -- one software layer on top of BBPOS SDK)
21 will allow PayPal to switch easily without issue."

22 So what does it mean that it was one
23 software on top of the BBPOS SDK?

24 A. As I just explained, we had the BBPOS SDK.
25 If a customer wanted to move from the G4X to the

1 Landi, they would have to redevelop completely the
2 integration, which was bad for them. So the
3 objective was to have customer like PayPal moving
4 to the RUA API so that later on it would have been
5 much simpler for them to integrate with the Landi
6 product.

7 MR. KESSLER: Let me -- you know what, I'd
8 love to end on a bang, but I think I'm going to end
9 on a whimper. I've got a couple more documents,
10 and I just have a couple questions on each one.

11 So let me -- let's just run through them.
12 I have Exhibit 58, which is IngenicoInc_0225593
13 through 0225599.

14 (Exhibit 58, email, 2/10/2014,
15 IngenicoInc_0225593-599.)

16 Q. And who is Peng Batao?

17 A. I don't remember the name, but it's an
18 engineer from Landi.

19 Q. And this is dated in 2014, February 2014.
20 It's about the MCU and PRD -- about the MCU and PRD
21 RP150X.

22 A. Uh-huh.

23 Q. And what were those?

24 A. What do you mean there?

25 Q. What -- what does that mean "About the

1 says "Do we have a key exchange process document
2 that we can share with a prospect for the RP350 and
3 Landi? The only one I have is attached but that is
4 for BBPOS."

5 I know you didn't write that, but what did
6 you understand that to mean?

7 A. Yup. So the way it works for all products
8 is, if the customer is using the Roam Data products
9 with the Roam Data gateway, the key that is loaded
10 in the card reader for the encryption belongs to
11 Roam.

12 So as a customer, the key has been taken
13 care of by Roam Data. When we were selling the
14 card reader -- whatever, BBPOS or RP350X or
15 RP750X -- to a customer, we need to load the new
16 customer key during the manufacturing process.

17 And we have to follow some compliance
18 requirements to secure the transfer of the key from
19 the customer to the factory. So we had one process
20 for BBPOS and a different process for Landi.

21 MR. KESSLER: Give me -- give me five
22 minutes. I may actually be done, but give me five
23 minutes to make sure of it. Okay? Be back.

24 VIDEO OPERATOR: The time is 4:54. We're
25 off the record.

ATTORNEYS' EYES ONLY

1 Commonwealth of Massachusetts
2 Middlesex, ss.
3
4

5 I, P. Jodi Ohnemus, Notary Public
6 in and for the Commonwealth of Massachusetts,
7 do hereby certify that there came before me
8 (remotely) on the 13th day of October, 2021, the
9 deponent herein, who was duly sworn by me; that the
10 ensuing examination upon oath of the said deponent
11 was reported stenographically by me and transcribed
12 into typewriting under my direction and control;
13 and that the within transcript is a true record of
14 the questions asked and answers given at said
15 deposition.

16 I FURTHER CERTIFY that I am neither
17 attorney nor counsel for, nor related to or
18 employed by any of the parties to the action
19 in which this deposition is taken; and, further,
20 that I am not a relative or employee of any
21 attorney or financially interested in the outcome
22 of the action.
23
24
25

IN WITNESS WHEREOF I have hereunto set my
hand this 24th day of October, 2021.



P. Jodi Ohnemus, RPR, RMR, CRR,
CSR, Notary Public,
Commonwealth of Massachusetts
My Commission Expires:
3/3/2028